

### Remarks

Claims 1-14, 15-30, 32, and 34-35, 38-54, and 56-67 are pending in the application. Claims 31 and 33 were previously canceled. Claims 36-37, and 55 have been canceled by virtue of this amendment. Claims 1-3, 8-10, 12-14, 16, 20-21, 30, 32, 38-42, 45-47, 50-54, 56-58, and 60 have been amended. New claims 62-67 have been added. No new matter has been added by virtue of this amendment. Reconsideration of the application as amended is requested.

### Claim Rejections—35 U.S.C. § 112, second paragraph

The Examiner rejects claims 2-5, 13-15 and 30-33 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 31 and 33 have been canceled. Claims 2-5, 13-15, 30, and 32 have been amended to fix the problems identified by the Examiner. Other claims have also been amended to fix additional problems found by applicant's attorney. Therefore the rejection under 35 U.S.C. § 112, second paragraph has been traversed.

### Claim Rejections—35 U.S.C. § 102

The Examiner rejects claims 1-10, 12-16, 21-31, and 34-61 under 35 U.S.C. § 102(e) as being anticipated by Agre.

Claim 1, as amended, states:

1. (Currently amended) A data collection apparatus, comprising:

a sensing unit for attaching to a structure or live subject, said sensing unit comprising a sensor, a first data storage device, a first receiving device, and a first transmitting device, said first data storage device for storing data from said sensor, said first transmitting device for transmitting data derived from said sensor;

a control unit separable from said sensing unit, said control unit comprising a data receiving device, a second transmitting device, and a second data storage device different from said first storage device, said data receiving device to receive data transmitted from said data sensing unit, said second data storage device for storing said data received from said sensing unit wherein a real time signal from said control unit to said sensing unit can trigger a change in sensor data handling, sensor data collection, or sensor data storage in said sensing unit or sensor data transmission from said sensing unit.

First, applicant would respectfully ask the Examiner to consider that Agre expressly teaches against the idea of a central controller in column 1, lines 55-58 and in column 2, lines 54-55.

Nor does Agre teach or suggest a scheme for transmitting a real time signal from any one of his units to trigger a change in sensor data handling, sensor data collection, or sensor data storage in any other of his units or sensor data transmission from his units. **Agre has all his nodes programmed to operate on a schedule**, as described in column 10, lines 16-46. To "trigger" means to start the process; Agre only allows his nodes to engage in data acquisition--or in any of the other functions he mentions--according to a **preprogrammed schedule**. Agre does not teach or suggest that his nodes can receive a real time signal to "trigger" sampling; data acquisition must await its appointed time in the schedule. **Only when the preprogrammed scheduled time slice comes around does Agre allow data acquisition**. This is the opposite of triggering. Further Agre points out that "if the particular node is not scheduled to receive or transmit in the upcoming slice, it would load DSP coefficients(88), then acquire sensor data (89), . . ." Thus, Agre cannot begin to acquire data even when he is scheduled to receive a signal. Thus, there is no way in Agre that a signal can be received to trigger sampling. Further invention would be needed to provide for receiving a signal from a control unit to trigger data acquisition in Agre.

Limits involving triggering have been added to the other independent claims in the application, including independent claims 39, 40, and 50. Claim 39 provides for triggering for both data collection and transmitting data. Claim 40 provides triggering for data collection or transmitting. And in claim 50 the operation triggered by the signal is transmitting data. These claims are distinguished from Agre since Agre does not teach or suggest triggering to accomplish any function; all of his operations are scheduled--there is no triggering possible. Thus, the rejection of claims 1-10, 12-16, 21-31, and 34-61 under 35 U.S.C. § 102(e) as being anticipated by Agre has been traversed.

#### **Claim Rejections--35 U.S.C. § 103(a)**

The Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Agre. Claim 1, from which claim 11 depends, has been amended to more clearly distinguish from Agre. Thus, the rejection of claim 11 under 35 U.S.C. § 103(a) as being anticipated by Agre has been traversed.

The Examiner rejects claims 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Agre in view of Fischell. Claim 1, from which claims 17-20 depend, has been amended to more clearly distinguish from Agre and from Agre in view of Fischell. Neither reference individually or in combination teach or suggest the limits in

claim 1 highlighted above. Thus, the rejection of claims 17-20 under 35 U.S.C. § 103(a) as being anticipated by Agre in view of Fischell has been traversed.

The Examiner rejects claims 32-33 under 35 U.S.C. § 103(a) as being unpatentable over Agre in view of Julien. Claim 1, from which claims 32-33 depend, has been amended to more clearly distinguish from Agre and from Agree in view of Julien. Neither reference individually or in combination teach or suggest the limits in claim 1 highlighted above. Thus, the rejection of claims 17-20 under 35 U.S.C. § 103(a) as being anticipated by Agre in view of Julien has been traversed.

Consideration of the application as amended is requested. Applicant respectfully requests favorable reconsideration. If there are any questions please call applicant's attorney at 802 864-1575.

Respectfully submitted,

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